

Hardwick Development Review Board
Conditional Use Hearing
Bryan Palilonis – applicant
Dona Bessette - landowner
Application #2016-012
April 6, 2016

To consider a conditional use request by Bryan Palilonis to establish a food service venue on Dona Bessette's parking area in the Highway Mixed Use zoning district at 154 VT Route 15.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.3 Highway Mixed Use Table; 3.7 Height Requirements; 3.10 Parking and Loading Requirements, 3.11 Performance Standards; Section 3.12 Protection of Water Resources; 5.2 Conditional Use Review; and 5.2 G3 Highway Mixed-Use District Standards.

Warnings were posted on March 16, 2016 at the Hardwick Memorial Building, the Hardwick Post Office and the East Hardwick Post Office. The warning was sent to the following neighboring property owners: Hardwick Lake LLC, c/o Dennis Pudvah; Daniel Keene; Aubuchon Realty Company; PJC Realty, NELLC; Merchants Bank; Union Bank; Town of Hardwick; and Hardwick Electric, on March 16, 2016. It was also published in the Hardwick Gazette on Wednesday, March 23, 2016.

Development Review Board members present: John Mandeville, Cheryl Michaels (Chair), John Page, Ruth Gaillard, Edward Keene, and Daniel Bandit.

Development Review Board members absent: Helm Nottermann

Others present: Bryan Palilonis, applicant; Charles Abel; Gus Kaemicke, Kristen Leahy, Zoning Administrator (acting clerk).

During the course of the hearing the following exhibits were submitted:

#1 Statement of intent from Applicant – Bryan Palilonis

Summary of Discussion

Chair Cheryl Michaels began the hearing at 8:00 pm. She noted the hearing was quasi-judicial, explained the procedure for the hearing, asked board members for any disclosures of conflict of interest, and swore in all those who wished to speak at the hearing. Mrs. Michaels then asked Mr. Palilonis to explain what he wants to do at 154 VT Route 15 in Hardwick.

Mr. Palilonis informed the board that he sells tacos and Mexican cuisine out of his truck. The truck would be located in the Parking area of Dona Bessette's property on Route 15 from the summer months through the Fall, depending on the business. He intends to be open 6 days each week at the same property. The location is highly visible and potentially will permit him to economically thrive. The Taco Truck would be open from 11am to 6pm, with expanded hours until dusk during the warmer months (8-9 pm). The vehicle will remain on site when not in use.

Mr. Palilonis mentioned his wish to have music nights at his location but his application is not a zoning request for that potential event.

The food truck/restaurant employs 3 people. They would like to have tables for the public to utilize. The permit from the State of Vermont only allows for seating of up to 16 people, so the seating would be limited. The location of the food truck was discussed. Mr. Palilonis is aware that that the vehicle

needs to be parked beyond the road setback from Route 15 (45 feet from the center of Route 15).

No public facilities are included in the food truck. A porta-potty may be utilized in the future. A generator currently provides power. Mr. Palilonis did acknowledge that the generator creates some noise. His intention is to transition into a solar generator which would not have the same potential for a noise issue.

The hearing ended at 8:20 pm. Edward Keene made the motion to enter into deliberative session and Dan Bandit seconded. All members were in favor.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

2.3 Highway Mixed Use District – the food truck/restaurant is a conditional use in this district. The proposed use conforms to the intent of this zoning district. All dimensional setbacks will be followed. (Truck can be moved to meet all necessary setbacks).

3.7 Height Requirements – the taco truck is 10’5” in height.

3.10 Parking and Loading Requirements – 1 spot per 3 seats (5 spots) and 1 spot per employee (3 spots) for a total of 8 spots can be accommodated by the proposed location.

3.11 Performance Standards – the applicant testified that his generator does cause some noise. Applicant is aware of this and is seeking alternate methods to receive power. No other aspects appear to be affected.

3.12 Protection of Water Resources - Parking area is in the Source Protection Area and in the 500 year flood zone. Town Manager rendered the written opinion that the Town accepted the location within the Source Protection Area (see conditions). No concerns noted by the Flood Zone Manager except Condition #1.

5.2 Conditional Use Review - E) General Review Standards

The proposed conditional use will/ will not result in an undue adverse effect on any of the following:

1. **The capacity of existing or planned community facilities and services.** N/A
2. **Character of the area affected.** Proposed food truck/restaurant conforms to the area in question.
3. **Traffic on roads and highways in the vicinity.** No adverse effect will result from the placement of the food truck in the existing parking area.
4. **Bylaws in effect.** Source Protection Area concerns were addressed in the conditions.
5. **The utilization of renewable energy resources.** Applicant is seeking alternative power sources for the food truck.

F) Specific Review Standards shall include:

1. **Siting & Dimensional Standards.** All conditional uses shall meet minimum applicable dimensional and density standards as specified for the district in which the use is located (Article 2), the particular use (Article 4), and for the protection of surface waters (Section 3.12). **Proposed location and use meets these standards.**

2. **Performance Standards.** All conditional uses shall meet performance standards as specified in Section 3.11. **Proposed location and use will meet these standards. Possible question about the noise from the generator is being examined by the applicant.**

3. **Access & Circulation Standards.** All conditional uses shall meet applicable access management standards as specified in Section 6.6. **Proposed location and use will meet these standards.**

4. **Landscaping & Screening Standards.** The Board may require landscaping, fencing, screening or site grading as necessary to maintain the character of the area, or to screen unsightly or incompatible uses from town highways, other public rights-of-way, or adjoining properties. **N/A. Temporary/Vehicle in question.**

5. **Stormwater Management & Erosion Control Standards.** All conditional uses shall incorporate accepted stormwater management and erosion control practices as appropriate for the setting, scale and intensity of the existing and planned development. **See Conditions.**

5.2G Highway Mixed Use Standards - No new structures being constructed, standards relate to actual development.

Decision and Conditions

Based upon these findings, the Development Review Board voted to approve the application as presented with the following conditions.

Conditions:

1. Truck must be fully licensed and ready for highway use.
2. All trash must be removed from premises daily or stored in a locked dumpster.
3. Sign/Flag to be removed when business is not in operation.
4. No parking allowed on Route 15.
5. No waste may be discharged onto or into the ground from the location.
6. Any spill of hazardous materials (more than 1 gallon) must be reported immediately to the Town Manager's office (802-472-6120).
7. Any tables placed for customer use shall be in a safe area.
8. The Food Truck and any tables will meet all necessary setbacks (45' from the center of Route 15 and 20 feet from all the side and rear setbacks).

Signed:

 , chair
Cheryl Michaels

date 4-11-16

 , acting clerk
Kristen Leahy, Zoning Administrator

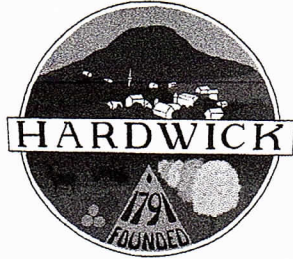
date 4/11/16

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

**Town of Hardwick
Office of the Town Manager
P.O. Box 523
Hardwick, Vermont 05843**

- Phone: (802) 472-8282 Fax: (802) 472-3793 jon.jewett@hardwickvt.org



Bryan Palilonis (Taco Truck)
2932 Craftsbury Road
Hardwick, VT 05843

April 1, 2016

Landowner: Dona Bessette,
PO Box 1250, Hardwick, VT 05843

Dear Mr. Palilonis:

We have reviewed your request for permission to setup a "food service venue" at the location of 154 Route 15 West on property owned by Dona Bessette and hereby approve your request based on the following conditions:

1. You are aware that your setup is in the Town of Hardwick source protection plan.
2. You may not discharge wastes onto or into the ground from your location.
3. You must report to the Town Manager's office any spill of hazardous materials to the ground that amount to more than 1 gallon.
4. You do not have approval at this time to hook onto Town water or sewer.
5. You comply with all Town, state, or federal permit requirements.

If you have questions or comments on anything included herein, please feel free to contact my office.

Respectfully,

Jon Jewett
Town Manager

Cc: Landowner: Dona Bessette, PO Box 1250, Hardwick, VT 05843
CC: Hardwick Zoning Administrator

Hardwick Town Manager Office
Hardwick Town Clerk
Hardwick Public Works Director

Jon Jewett
Alberta Miller
Tom Fadden

(802) 472-6120
(802) 472-5971
(802) 472-6029

CAJA MADERA

BPALI, LLC

2932 CRAFTSBURY ROAD

TEL (802) 274-8345

Cajademadera1@yahoo.com

<https://www.facebook.com/cajamaderafoodtruck/>

MARCH 24, 2016

Hardwick Zoning Board

Dear Members,

As some of you may know my name is Bryan Palilonis. I am the owner and operator of the food truck Caja Madera. I have lived in Hardwick for nearly 4 years now, but due to being the beverage manager at the Basin Harbor Club for the summer season I have not been able to meet many local residents. It is only until recently that I have been able to connect with this community on a personal level. From talking to the residents of Hardwick I fully believe that the success of our food truck is due mostly in part to the appreciation and generosity of the community.

The mission statement of Caja Madera (wooden box) is simple. To provide healthy, culturally diverse food, for an affordable cost. We feel this coincides well with the community of Hardwick. With Hardwick being the center of the "Locavore" movement, we have had multiple offers to source most of our ingredient needs from the surrounding community. The members of Front Porch Forum have helped by giving us the ability to furnish our office space and supply most of our building needs for the truck. We are local.

Food is not our only passion. Our goal is not to make money and walk away. We are invested in this community. We have made a commitment to give back to this community through cash donations, as well as donating our time and resources to community staples such as my neighbor the Heartbeet farm. With the help of the zoning board we would love to start a food truck music night this summer. A Free event to the public with live music and food for purchase from a multiple food trucks and local vendors. We have seen the success of such programs like these in other communities such as Island ponds "Friday Night Live", and Arts Riot in Burlington. With your help and the help of the Chamber of Commerce we hope to instill a sense of community among all local businesses that would like to participate.

Words cannot describe our gratitude to the people of Hardwick and its officials. We thank you for your time and look forward to meeting you all in person on April 6th. I welcome anyone with questions or concerns before or after the meeting to contact me personally at the information provided above.

Gracias,

Bryan Palilonis